REMARKS

At paragraphs 2-8 of the outstanding Office Action, the Examiner has rejected claims 1-18, all of the claims currently pending in the application, under 35 U.S.C.§103(a) as being unpatentable over Vynne (U.S. Patent No. 5,960,081) in view of Cohen (U.S. Patent No. 6,389,032). Applicants respectfully traverse the rejection.

The Examiner first relies on Vynne to teach embedding a watermark into a video signal by detecting a change between first and second frames, reducing change information, and encoding the watermark into the change information. The Examiner then points out the various portions of Vynne teaching the claimed piece of additional information, generating means for converting the information into electronic watermark information, and embedding means. The Examiner further states that Vynne shows the use of watermarks of different sizes on different frames, but then admits that Vynne does not explicitly teach controlling the size of the watermark.

The Examiner thereafter relies on Cohen to teach the use of a variable watermark changed responsive to one or more parameters related to a status of a buffer and/or the data flow in the network. The Examiner thus concludes that at the time the invention was made, it would have been obvious to one of ordinary skill in the art "to modify the system of Vynne in such a way that an electronic watermark is generated from the plural pieces of additional information and the size of the watermark is changed responsive to watermark parameters relating to a status of the data flow as taught in Cohen. One of ordinary skill in the art would have been motivated to generate an electronic watermark and control the size of the watermark based on the parameters (i.e. additional information) as taught in Cohen for adjusting the buffer size (see Cohen, Fig. 4)."

Applicants wish to point out the Examiner has not set forth a reference that depicts the claimed invention, namely that the control means controls the size of an embedding part for each of the electronic watermark information "in accordance with the significance degree of the corresponding additional information". Thus, rather than changing the size of the watermark "responsive to one or more parameters relating to a status of the data flow as taught in Cohen", the determination of the size of the watermark in the claimed invention is determined based upon an importance selection, not generated in accordance with a particular characteristic or parameter data. While the references relied upon by the Examiner arguably depict changing the size of the watermark based upon various available information data and the size of various buffers generated in accordance with processing the data, they do not depict the claimed invention, namely that a predesignated importance factor is used to determine the size of the watermark. Applicants submit that none of the references relied upon by the Examiner teach this feature, and indeed, in the Examiner's description, nowhere does the Examiner indicate that this combination of references teaches the precise language of the claimed invention.

Applicants therefore respectfully request that the rejection of claims 1-18 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

Applicants have made a diligent effort to explain why claims 1-18 are in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance regarding these claims, the Examiner is respectfully requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

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